

HOUSE JOINT RESOLUTION 124

By Hulsey

A RESOLUTION to call for a convention of the states to plan for Article V conventions to amend the United States Constitution.

WHEREAS, Article V of the Constitution of the United States provides that upon receipt of applications from two-thirds of the legislatures of the several states, Congress shall call a convention of the states for proposing amendments; and

WHEREAS, it appears that two-thirds of the states soon will have applied for conventions limited to proposing amendments adding to the Constitution requirements based upon specific language set forth in the resolution's call for the Article V convention; and

WHEREAS, the Tennessee General Assembly has passed two Article V convention resolutions, one to impose fiscal restraints on the federal government, to limit the power and jurisdiction of the federal government, and to limit the terms of office for its officials and for members of Congress, Senate Joint Resolution No. 67 of the 109th General Assembly, and a second resolution to require the federal government to balance its budget, House Joint Resolution No. 548 of the 108th General Assembly; and

WHEREAS, in its call, Congress will be required to specify an initial time and place for the meeting of Article V conventions for proposing amendments; and

WHEREAS, it is appropriate for the state legislatures to prepare for Article V conventions and recommend to Congress an initial time and place therefor; and

WHEREAS, on many occasions a convention of the states called by a state legislature and consisting of commissioners authorized by other state legislatures has proven to be an effective way of considering and recommending solutions to common problems; now, therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED TENTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, that this legislative body respectfully calls a convention of the states, hereinafter called the "planning convention," consisting of commissioners duly chosen and authorized in such manner as their respective state legislatures determine, to convene initially at twelve o'clock noon on July 11, 2017, in Nashville, Tennessee, for the limited purposes of:

(a) Planning for, and recommending rules and procedures to, the prospective Article V conventions; and

(b) Recommending to Congress the initial date and location of any of the Article V conventions that the planning convention deems to be impending.

BE IT FURTHER RESOLVED, that the planning convention shall be called to order by the lieutenant governor. The planning convention shall proceed immediately to elect a permanent presiding officer by a majority vote of states attending and voting under the parliamentary common law as modified by procedures traditionally followed by conventions of states, including the rule of one vote per state. The planning convention shall continue to operate under such traditional procedures until such time as it adopts its own rules.

BE IT FURTHER RESOLVED, that this legislative body recognizes that a convention of states determines its own rules and procedures and elects its own officers. In the interests of efficiency and consistency, however, we recommend to the planning convention that its permanent rules embody certain principles traditionally followed by conventions of states, as follows:

(a) A quorum for all sessions of the full convention and for all committee meetings shall be a majority of the states attending the convention or serving as members of the relevant committee;

(b) All voting shall be by state with each state having one vote, without apportionment or division, and each state legislature or delegation shall determine the internal voting and quorum rules for casting the vote of its delegation;

(c) A majority vote of states attending and voting shall prevail on all issues before the planning convention and in all committees, including, but not limited to, any convention recommendations; and

(d) Convention officers shall include, at a minimum, a president, vice president, and secretary.

BE IT FURTHER RESOLVED, that this legislative body recommends to the planning convention that:

(a) The planning convention adopt Mason's Manual of Legislative Procedure, 2010 edition, as its source for the rules of decision in all cases not otherwise provided for by convention rules and orders; and

(b) The planning convention include at least three standing committees composed of a commissioner from each state attending, with each committee to be served by a temporary presiding officer designated by the convention committee, hereinafter created, until the committee selects its own officers, and that the three standing committees include:

(1) A committee on rules and procedures, which shall prepare for consideration by the planning convention recommended rules and procedures for the Article V conventions;

(2) A committee on time and location, which, upon hearing testimony, shall prepare for consideration by the planning convention a recommended time and location for the Article V conventions; and

(3) A committee on convention management to prepare for consideration by the planning convention recommended facilities, meeting rooms, security, staffing, and other management issues pertaining to the Article V conventions.

BE IT FURTHER RESOLVED, that in order to secure the advantage of continuity, this legislative body respectfully recommends to other state legislatures that they send the same commissioners both to the planning convention and to the Article V conventions, insofar as is practicable and advisable to do so.

BE IT FURTHER RESOLVED, that a convention committee is established that may, if necessary, change the time, date, and location of the planning convention, and, if necessary, appoint a temporary president, and shall designate the temporary presiding officers of the standing committees. The convention committee shall coordinate the logistics of the planning convention, including the facilities, meeting rooms, security, staffing, and other management issues pertaining to the planning convention. The convention committee shall be composed of six (6) members with the speaker of the senate and the speaker of the house of representatives to each appoint three (3) members of their respective chamber.

BE IT FURTHER RESOLVED, that the longest-serving legislative member of the convention committee shall call the first meeting of the committee, at which time the committee shall elect a chair. The members of the convention committee shall not be paid per diem for days in which the committee meets, unless the members would otherwise earn per diem for legislative duties other than that of the convention committee.

BE IT FURTHER RESOLVED, that certified copies of this resolution be transmitted to the presiding officers of each of the legislative houses in the several states, urging their respective legislatures to provide for the appointment of commissioners to attend the planning convention and to otherwise request further cooperation and assistance.